

IBC cases. IBC is also an especially aggressive form of breast cancer. As a result, the survival rate for patients with IBC is significantly lower than those with non-IBC breast cancer.

These sobering facts tell us that education and awareness about this rare cancer are desperately needed so that women are quickly and properly diagnosed. My home State of Washington is making important strides in this direction. In fact, Washington State recently celebrated Inflammatory Breast Cancer Awareness Week, thanks to the foresight of Governor Christine Gregoire and the hard work of Washington's IBC advocates. This special observance goes a long way in raising awareness about IBC in my home State.

Efforts such as Washington State's awareness week are a good start, but more education and awareness are needed for both patients and their physicians. We also must increase access to screening, especially for low-income women. One important step that Congress can take to increase these efforts is to pass S. 1687, the National Breast and Cervical Cancer Early Detection Program Reauthorization Act of 2005. For all types of breast cancer—but especially for IBC—early detection is critical to catching cancer early before it spreads. I am working with Chairman ENZI and Ranking Member KENNEDY to bring this bill up for a vote in the Health, Education, Labor, and Pensions Committee, and it is my hope that we can pass this bill before the end of the 109th Congress.

In closing, I commend the efforts of Governor Gregoire and the IBC advocates in Washington State. I am committed to making the Federal Government a strong partner in these efforts by increasing awareness and access to screening. Together, we can help ensure that every woman gets screened for breast cancer and that she and her doctor have access to the latest medical research.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the proclamation from Washington State to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROCLAMATION

Whereas, except for nonmelanoma skin cancers, breast cancer is the most common cancer among women, and is the second leading cause of cancer death in women, exceeded only by lung cancer; and

Whereas, Inflammatory Breast Cancer (IBC) is the most aggressive form of breast cancer and has a faster doubling time than other breast cancers; and

Whereas, the total number of breast cancer cases diagnosed for 2005 was 210,000, and of that number, six percent were IBC; and

Whereas, symptoms of IBC are similar to those of mastitis, a benign breast infection, and because IBC usually grows in nests or sheets rather than a solid tumor, it can spread throughout the breast without a detectable lump. It is usually not detected by mammograms or ultrasounds unless there is a defined tumor; and

Whereas, laboratory based research on IBC has been limited because little, if any, pretreatment tumor tissue is available for research; and

Whereas, we recognize the courage and strength of women battling IBC, and the families and friends who love and support them, and our state is grateful for the hard work and commitment of our dedicated researchers and medical professionals; and

Whereas, with continued effort, we can raise any awareness of IBC and find new ways to prevent and treat this deadly disease;

Now, therefore, I, Christine O. Gregoire, Governor of the state of Washington, do hereby proclaim October 1-7, 2006, as Inflammatory Breast Cancer Awareness Week in Washington State, and I urge all citizens to join me in this special observance.

PRESERVING CRIME VICTIMS' RESTITUTION ACT

Mr. SESSIONS. Mr. President, I am pleased to join with Senator FEINSTEIN and cosponsor the Preserving Crime Victims' Restitution Act of 2006.

When a criminal defendant pleads guilty or is found guilty by a jury of his peers but dies before sentencing or while his case is on appeal, the defendant's victims should not sustain a financial loss and the defendant's estate should not profit from his crimes. The judicially created doctrine of abatement provides, however, "that the death of a criminal defendant pending an appeal of his or her case abates, ab initio, the entire criminal proceeding."

In its most extreme form, the scope of the doctrine can be breathtaking. As the U.S. Court of Appeals for the Fifth Circuit held in *United States v. Parsons*:

[T]he appeal does not just disappear, and the case is not merely dismissed. Instead, everything associated with the case is extinguished, leaving the defendant "as if he had never been indicted or convicted."

Common sense requires that punishments like imprisonment or probationary supervision terminate once a defendant dies. But when a criminal conviction involves remedial measures such as restitution to the victims of the crime or implicates civil forfeiture of property connected with the crime, we shouldn't pretend that nothing ever happened. A convicted defendant's death while his case is pending may cheat the hangman, and it may cheat the jailer—but it shouldn't cheat the victims.

Taking a criminal case to trial and obtaining a conviction can involve thousands of hours of work and a huge commitment of resources. In the recent conviction of Ken Lay, for example, the trial took nearly 4 months and cost the taxpayers millions of dollars. When a criminal conviction involves financial restitution to the victims of the crime or when the conviction could be used in a later civil law suit, those effects of the conviction should not be erased by the death of the defendant. It is wrong to force the victims or the government to start over from scratch.

The Preserving Crime Victims' Restitution Act addresses the unnecessary

and unfair effects of the abatement doctrine. It preserves restitution and the potential use of a criminal conviction. In later civil proceedings such as civil forfeiture, while protecting a defendant's rights.

If a defendant dies after pleading guilty or being found guilty by a jury, restitution and the use of the conviction in civil proceedings will be permitted. In such cases, the bill allows the defendant's estate to step into his shoes and continue to defend the conviction. The estate can appear on behalf of the defendant at sentencing, and it can file post-trial motions. The estate can also appeal the conviction.

This assures that the integrity of the criminal and appellate process is preserved and that there is an adequate opportunity to challenge the validity of a conviction and ensure that justice has been done. Basically, under this bill, the criminal and appellate process move forward with respect to restitution and use of a conviction in later civil proceedings just as though the defendant were still alive.

Ultimately, the Preserving Crime Victims' Restitution Act is about fairness. It is fair to victims—who too often get overlooked in the criminal process. It is fair to the Government—which may have committed enormous time and resources to obtaining a conviction. And it is fair to the defendant's estate—which should be allowed to represent the defendant's interests and contest the Government's case but should not be allowed to profit from crime simply because a defendant dies.

I hope we can move quickly to pass the Preserving Crime Victims' Restitution Act of 2006, and I urge my colleagues to support it.

HELP COMMITTEE AGENDA

Mr. KENNEDY. Mr. President, the message from this election is clear. There is little doubt that the American people want a change of course in Iraq. But they also want a government that stands with them and their families as they look to the future—jobs that reward their hard work, health care that is good and affordable, and education that continues to open the door to the American dream for all of our citizens.

That was the agenda of the voters in this election and it will be the agenda of our Health, Education, Labor, and Pensions Committee when we convene in the new year. And with Senator REID as our majority leader, America's families will see great progress on the issues that they care most about.

Yesterday, Democrats selected the membership of our committee. Every member is an experienced legislator with a deep commitment to working families and a solid record for getting things done.

So I welcome back Senator DODD, Senator HARKIN, Senator MIKULSKI, Senator BINGAMAN, Senator MURRAY, Senator JACK REED, and Senator CLINTON. And I welcome our new members: